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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,725	11/14/2005	Masayoshi Nagata	277533US6PCT	4983
22850 7590 09/26/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER GHESY, ADAM				
ART UNIT 2627		PAPER NUMBER		
NOTIFICATION DATE 09/26/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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### Office Action Summary

**Application No.**

10/556,725

**Applicant(s)**

NAGATA ET AL.

**Examiner**

ADAM R. GIESY

**Art Unit**

2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 11/14/05.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 11/14/2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no legible copies of the references were provided. Examiner notes that an English translation of the entire reference or at the very least, the abstract needs to be submitted for the cited references to be considered (see of 37 CFR 1.98(a)(3)(ii)).

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Objections***

3. Claims 1-4 are objected to because of the following informalities:

Examiner asserts that the first instance of "PLL" in each of the claims should read -- Phase Locked Loop (PLL)--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant Admitted Prior Art (AAPA – see instant specification).

Regarding claim 1, AAPA discloses an information reproduction device, characterized in that it comprises: a frequency difference detection means which detects a difference in frequencies between a read clock, obtained by applying PLL to a reproduction signal read from a recording medium, and a reference clock (see page 1, line 9 thru page 2, line 13); an information processing means which performs signal processing on the reproduction signal and outputs a processing status information indicating whether or not the information processing is performed normally (inherently disclosed by page 2, line 14 thru page 3, line 2 – Examiner notes that there is inherently some type of processor that evaluates the signal from the frequency monitoring means and changes the operating status); and a frequency monitoring means which monitors whether or not the frequency of the read clock is normal based on the frequency difference and the processing status information (see page 2, lines 7-13); wherein the frequency monitoring means makes a transition to an OK status indicating that the frequency of the read clock is normal when the

processing status information is indicating a normal status (page 2, line 23 thru page 3, line 2); and makes a transition to a NG status indicating that the frequency of the read clock is abnormal when the processing status information is indicating an abnormal status and the difference of the frequencies exceeds a first threshold (page 2, lines 19-21; see also page 2, lines 7-10); and returns to an OK status when the difference of the frequencies is below a second threshold during the NG status (page 2, line 23 thru page 3, line 2).

Regarding claim 2, AAPA discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that the frequency difference detection means outputs the difference between the number of pulses per a predetermined reference time period of the read clock and the reference clock as the frequency difference (see page 2, line 14 thru page 3, line 2 – Examiner notes that this is merely a window detection method); and the frequency monitoring means makes a transition to the NG status when a cumulative value of the difference of the number of pulses during a plurality of reference time periods exceeds a first threshold, and returns to the OK status when the difference of the number of pulses during a single reference time period is lower than a second threshold during the NG status (page 2, line 7 thru page 3, line 2 – Examiner notes that the frequency monitoring means changes the status based on whether the frequencies are appropriate/inappropriate, therefore predetermined threshold must inherently be used as guidelines for what is appropriate/inappropriate).

Method claims 3 and 4 are drawn to the method of using the corresponding apparatus claimed in claims 1 and 2. Therefore method claims 3 and 4 correspond to apparatus claims 1 and 2 and are rejected for the same reasons of anticipation (obviousness) as used above.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Tonami (USPN 6,768,706 B1) discloses monitoring the frequency difference of the read clock in relation to a reference clock.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM R. GIESY whose telephone number is (571)272-7555. The examiner can normally be reached on 8:00am- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TAN Xuan DINH/  
Primary Examiner, Art Unit 2627  
September 22, 2008

ARG 9/19/2008

/Adam R. Giesy/  
Examiner, Art Unit 2627